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OFFICE OF PETITIONS

In re Patent No. 6,804,285 :
Issue Date: October 12, 2004 :
Application No. 09/425,015 :
Filed: October 25, 1999 :
Attorney Docket No. 03500.013974 :

ON PETITION

This is a decision on the petition under 37 CFR 1.183, filed March 24, 2005, which is being treated as a request under 37 CFR 3.81(b)¹, to add the first named inventor's name on the front page of the above-identified patent as part of the assignee data at line 73.

The petition is **dismissed**.

Petitioner states that an error occurred in the naming of the correct assignees at the time of payment of the issue fee. More specifically, petitioner states that, in addition to Canon Kabushiki Kaisha, Tokyo (JP) (hereafter Kaisha), inventor Tadahiro Ohmi (Ohmi) should also have been named as assignee. Therefore, petitioner requests issuance of a Certificate of Correction in the name of Ohmi as assignee in addition to Kaisha.

It would not be appropriate to issue the requested Certificate of Correction in the instant case. In this regard, Ohmi is presumed to be the owner of the patent, unless there has been an assignment. See 37 CFR 3.73(a). As petitioner asserts that Kaisha has not conveyed its part of interest in this patent to Ohmi, Ohmi is not properly regarded as an assignee. Further, Ohmi retains part interest by being a named inventor who has not conveyed his rights in this patent.

While the statute (35 USC 152) and regulation (37 CFR 3.81(a)) both provide for the issuance of a patent to the "assignee," there is no like provision in the statutes and regulations for issuance of a patent to the "owner." As such, no reason is

¹ See Official Gazette of June 22, 2004

apparent, nor has petitioner provided an adequate basis, for the requested relief. That is, since Ohmi is not an "assignee" within the meaning of the statute and regulation, there is no error apparent that is, or can be, remedied by the proffered Certificate of Correction.

Petitioner may wish to present a new, modified Certificate of Correction, which merely sets forth that Kaisha has a "part interest." Such would clarify that Kaisha is not the assignee of the entire interest in the above-captioned patent.


Further correspondence with respect to this matter should be addressed as follows:

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